

RAJASTHAN HIGH COURT

सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR

S.B. Civil Writ Petition No. 21198/2024

Sagarmal S/o Sh. Late Suwalal, Aged About 40 Years, Resident Of Ganoda, Thana Jeenmata, Tehsil Tanta Ramgarh, District Sikar (Raj.).

-----Petitioner

Versus

1. State Of Rajasthan, Through Secretary To The Govt. Department Of Home, Secretariat, Jaipur.
2. Inspector General Of Police, Bikaner Range, Bikaner.
3. Superintendent Of Police, Bikaner.

-----Respondents

For Petitioner(s)	:	Mr. Harsh Purohit
For Respondent(s)	:	Mr. Raj Singh Bhati

HON'BLE DR. JUSTICE NUPUR BHATI

Order

08/05/2026

1. Petitioner has filed this writ petition with following prayers:

“It is therefore, respectfully prayed that this writ petition may kindly be allowed and by an appropriate, writ order or direction the impugned order dated 07.09.2024 (Annex.1) passed by respondent No. 2 appellate authority and order dated 01.02.2024 (Annex.2) passed by respondent No. 3 may kindly be declared illegal and be accordingly quashed and set aside.

Any other relief to which petitioner appears entitle to may kindly be also be passed in favour of the petitioner.”

2. While challenging the impugned order the principal ground raised by the petitioner is that there was no cotingency which could have prompted the respondents to invoke the exceptional provisions under Rule 19 (ii) of the Rajasthan Civil Services (CCA) Rules, 1958 (for short ‘the Rules of 1958’).

3. Learned counsel for the petitioner relies upon judgment of this Court at Jaipur Bench passed in the case of Kamrudeen Khan vs. State of Rajasthan & Ors. (S.B. Civil Writ Petition No.3040/2024 decided on 19.02.2026).

4. Learned counsel for the respondent although submitted that the petitioner was indulged in a serious misconduct yet he is not able to justify the reasons for not following the procedure with regard to the regular enquiry under Rule 16 of the Rules of 1958 and for adopting the exceptional provisions under Rule 19 of the Rules of 1958.

5. Learned counsel for the respondent also does not dispute that the controversy involved in this case is squarely covered a judgment of this Court in the case of Kamrudeen Khan (supra).

6. In view of the consensus arrived at between learned counsel for the parties and in the light of the judgment of this Court in the case of Kamrudeen Khan (supra), impugned order dated 07.09.2024 is hereby quashed and set aside.

7. Consequently, the respondents are directed to reinstate the petitioner back in service and he shall be entitled for continuity in service as well as other notional benefits. However, it is made clear that petitioner shall not be entitled for actual salary for the intervening period.

8. Necessary orders in this regard be passed within a period of three months from the date of receipt of copy of this Order.

9. It is also made clear that mere quashing of order dated 07.09.2024 would not preclude the respondents-Government from initiating regular Departmental enquiry under Rule 16 of the Rules

of 1958. The petitioner is expected to extend full cooperation, in case, such enquiry is initiated against the petitioner.

10. Writ petition is accordingly, disposed of.

11. Pending applications, if any, stand disposed of.

(DR.NUPUR BHATI),J

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